

**AMENDED AGREEMENT FOR PRE-TRIAL DIVERSION**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

FEB 14 2008

UNITED STATES OF AMERICA

vs.

JAMES R. LARSEN, CLERK  
YAKIMA, WASHINGTON DEPUTY

**RAFAEL LOPEZ**

Name

File No: CR-07-163-LRS

Street Address

Telephone Number

Spokane, WA

City and State

**I. AGREEMENT FOR PRE-TRIAL DIVERSION**

It appearing that you are reported to have committed an offense against the United States on or about December 5, 2006, in violation of Title 18, United States Code, Section 1001(a)(1), (2), in that you did Make Materially False Statements, and upon your accepting responsibility for this act, and it further appearing, after an investigation of the offense, and your background, that the interest of the United States and your own interest and the interest of justice will be served by the following procedure, therefore,

On the authority of the Attorney General of the United States, by James A. McDevitt, United States Attorney for the Eastern District of Washington, prosecution in this District for this offense shall be deferred for a period of twelve (12) months from December 12, 2007, (the original signing date) of this agreement, provided you abide by the following conditions and the requirements of the program set out below:

Should you violate the conditions of this supervision, the United States Attorney may revoke or modify any conditions of this pre-trial diversion program or change the period of supervision which shall in no case exceed twelve (12) months. The United States Attorney may release you from supervision at any time. The United States Attorney may at any time within the period of your supervision initiate prosecution for this offense should you violate the conditions of this supervision and will furnish you with notice specifying the conditions of your program which you have violated.

Pretrial Diversion Agreement - 1

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1 If, upon completion of your period of supervision, a pre-trial diversion  
2 report is received to the effect that you have complied with all the rules,  
3 regulations and conditions above mentioned, no prosecution for the offense set out  
4 on page 1 of this agreement will be instituted in this District, and any indictment  
5 or information will be discharged.

6 Neither this agreement nor any other document filed with the United States  
7 Attorney as a result of your participation in the Pre-Trial Diversion Program will  
8 be used against you, except for impeachment purposes, in connection with any  
9 prosecution for the above described offense.

## 10 **II. CONDITIONS OF PRE-TRIAL DIVERSION**

11 1. You shall not violate any law (federal, state and local). You shall  
12 immediately contact your pre-trial diversion supervisor if arrested and/or  
13 questioned by any law enforcement officer even for a minor traffic offense.

14 2. You shall attend school or work regularly at a lawful occupation or  
15 otherwise comply with the terms of the special program described below. In the  
16 absence of a special program, when out of work or unable to attend school, you  
17 shall notify your program supervisor at once. You shall consult him prior to job or  
18 school changes.

19 3. You shall continue to live in this judicial district. If you intend to  
20 move out of the district, you shall inform your supervisor so that the appropriate  
21 transfer of program responsibility can be made.

22 4. You shall abstain from the use of any controlled substances, and shall  
23 be subject to urinary analysis in a frequency of testing as determined by the U.S.  
24 Probation Office.

25 5. You shall report to your program supervisor as directed and keep him  
26 informed of your whereabouts.

6. You shall report to the United States Attorney's Office as directed and  
keep the United States Attorney informed of your whereabouts.


7. You shall strive to achieve the desired goals of the program.

8. ***You shall undergo drug evaluation and treatment as prescribed by  
the United States Pretrial Services.***

I, **RAFAEL LOPEZ**, assert and certify that I am aware of the fact that the  
Sixth Amendment to the Constitution of the United States provides that in all  
criminal prosecutions the accused shall enjoy the right to a speedy and public trial.

I am also aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information or in bringing a defendant to trial. I hereby request that the United States Attorney for the Eastern District of Washington defer any prosecution of me for violation of Title 18, United States Code, Section 1001(a)(1), (2) for a period of twelve months, and to induce him to defer such prosecution I agree and consent that any delay from the date of this Agreement to the date of the initiation of the prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at my request and I waive any defense to such prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of twelve months, which is the period of this Agreement.

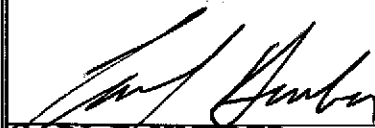
I hereby state that the above has been read by me. I understand the conditions of my pre-trial diversion and agree that I will comply with them.



**RAFAEL LOPEZ**

2-11-08

DATE



**CARL E. HUEBER**  
Defendant's Attorney

2-11-08

DATE



**Jared C. Kimball**  
Assistant United States Attorney

2.13.08

DATE

APPROVED, without passing judgment on the merits or wisdom of this diversion.

Hon. Lonny R. Suko, U.S. District Court Judge

DATE

Pretrial Diversion Agreement - 3

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 13 United States to a speedy trial or to bar the prosecution by reason of the running of  
 14 the statute of limitations for a period of twelve months, which is the period of this  
 15 Agreement.

16 I hereby state that the above has been read by me. I understand the  
 17 conditions of my pre-trial diversion and agree that I will comply with them.

18 RAFAEL LOPEZ

DATE

19 CARL E. HUEBER  
 20 Defendant's Attorney

DATE

21 Jared C. Kimball  
 22 Assistant United States Attorney

DATE

23 APPROVED, without passing judgment on the merits or wisdom of this diversion.

24   
 25 Hon. Lonny R. Sako, U.S. District Court Judge

26 2/11/08  
 DATE

Pretrial Diversion Agreement - 3

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